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OLC 79-1735

31 May 1979

MEMORANDUM FOR THE RECORD

SUBJECT: Outstanding Request from Charles Snodgrass, House Appropriations
Defense Subcommittee, Concerning the Office of Security

1. The House Appropriations Committee Surveys and Investigations Staff has been directed to reinvestigate SIGINT activities -- a repeat of the massive investigation undertaken in 1974-75 to determine whether intelligence agencies are complying with Committee directives. The Director approached Chairman Joseph Addabbo (D., N.Y.) to determine if this study was necessary and Chairman Addabbo concluded that it was.

2. Mr. Snodgrass is aware of the Director's efforts and has charged that the delay in granting compartmented clearances to a key member of the S&I Staff is either a matter of obstruction of the Committee's investigation or incompetence among Security officials. During Admiral Inman's, D/NSA, appearance before the Committee in May, this matter came up at the briefing and the Admiral said he had no knowledge of any clearance problem. Following the hearing, NSA was sent a question to be answered for the record of "Why is it taking so long to clear the S&I Team? Admiral Inman is it because you have something to hide or are you just inefficient?"

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4. Mr. Snodgrass, in the name of Chairman Addabbo, has exerted a great deal of effort to get a key member of the SIGINT S&I Staff cleared. The problem was that the individual's background investigation was some 27 years old and the standard for a compartmented clearance is a current background investigation within the last five years. (Two other members of the S&I Staff had background investigations which were six and seven years old and a waiver was granted by the Director of Security upon the condition that the background investigations be updated immediately.) Mr. Robert Gambino, D/OS, made the judgment he could not grant a waiver on the basis of a 27 year old background investigation and when Snodgrass was advised he asked that the decision be appealed to the Director. Snodgrass was convinced that this would not be a wise course of action since the FBI background investigation was about completed. The FBI background investigation was completed in the time frame committed, the clearance was granted and Snodgrass expressed his appreciation for avoiding a confrontation between Chairman Addabbo and the Director.

5. Earlier in the process, Snodgrass met with an Agency Security officer [redacted]

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[redacted] (This matter is covered in a separate memorandum from the Director of Security.) During that session, Snodgrass levied a requirement for a breakdown of Office of Security budget and personnel figures by unit covering the period FY 1976-FY 80. It had been thought that Snodgrass would lose interest in pursuing this matter since the clearance issue had been resolved, but yesterday he called to restate his request and we were unsuccessful in persuading him that this was an irrelevant and feckless exercise. The matter may come to issue at the DDCI's presentation of CIAP on 4 June.

6. Options. There is no question whatsoever that the Committee is entitled to the information requested. The only remaining consideration is when the information is supplied (before, at or after the 4 June hearing). Earlier provisioning may, but there is no guarantee that it will, mean that the matter will not be raised by Snodgrass during the hearing.

7. The issue has four parts:

a. The judgment on not granting a waiver on a 27 year old background investigation appears to be unassailable.

b. The time it took for the Executive Branch to conduct the background investigation (excellent performance by the FBI as it took only a little over two weeks).

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c. The time it took the Executive Branch to get its act in order on processing in connection with the background investigation. (There is room to criticize DoD's advice to the S&I Staff and DoD's failure to provide the S&I Staff with the forms needed for conducting the background investigation. (This sloppy handling explains moving the background investigation from DoD to the FBI by the S&I Staff.)

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Deputy Legislative Counsel

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